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7 RIGGENBERG, OFFICER CARLOS REAL AND OFFICER L. JOHNSON

8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 FRED CLARK, JR., } Case No. 12cv1186 JLS (BLM)
11 Plaintiff, }
12 v. }
13 THE CITY OF SAN DIEGO } EX PARTE MOTION TO EXCUSE
14 OFFICER MARK RIGGENBERG } DEFENDANTS MARK
(#6605) } RIGGENBERG FROM
15 OFFICER CARLOS REAL (#5495) } ATTENDING MANDATORY
OFFICER L. JOHNSON (359540, } SETTLEMENT CONFERENCE
16 Defendants. } Magistrate: Hon. Barbara L. Major
Courtroom: Suite 1140
Date: April 15, 2013
Time: 9:30 a.m.

17
18 Defendants, City of San Diego, Officer Mark Riggenberg, Officer Carlos
19 Real and Officer L. Johnson (hereinafter Defendants) hereby submit their Ex Parte
20 Motion to Excuse the Personal Attendance of Officer Mark Riggenberg from the
21 Mandatory Settlement Conference scheduled for April 15, 2013, as Officer
22 Riggenberg is no longer with the San Diego Police Department and currently lives
23 in Minnesota.

24 Officer Carlos Real and Officer L. Johnson will be attending the conference
25 and have first- hand knowledge of what transpired. Any settlement of this case
26 would be approved by the Mayor, the Mayor's delegate or City Council, not Officer
27 Riggenberg.
28

1 Consequently, I am requesting permission to attend the Mandatory
2 Settlement Conference scheduled for April 15, 2013, at 9:30 a.m. without Officer
3 Riggenberg.

4
5 Dated: March 18, 2013

JAN I. GOLDSMITH, City Attorney

6
7 By /s/ John E. Riley

John E. Riley
Deputy City Attorney

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9 Attorney for Defendants CITY OF
10 SAN DIEGO, OFFICER MARK
RIGGENBERG, OFFICER CARLOS
11 REAL AND OFFICER L. JOHNSON

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1 **UNITED STATES DISTRICT COURT**
2 **SOUTHERN DISTRICT OF CALIFORNIA**

3 FRED CLARK, JR.,

4 Plaintiff,

5 v.

6 THE CITY OF SAN DIEGO
7 OFFICER MARK RINGGENBERG
8 (#6605)
OFFICER CARLOS REAL (#5495)
OFFICER L. JOHNSON (359540

9 Defendants.

Case No. 12cv1186 JLS (BLM)

DECLARATION OF SERVICE

11 I, Anna Lonergan declare that I am, and was at the time of service of the
12 papers herein referred to, over the age of eighteen years and not a party to the
13 action; and I am employed in the County of San Diego, California, in which county
the within-mentioned mailing occurred. My business address is 1200 Third Avenue,
14 Suite 1100, San Diego, California, 92101.

15 I further declare that I am readily familiar with the business' practice for
16 collection and processing of correspondence for mailing with the United States
17 Postal Service; and that the correspondence shall be deposited with the United
18 States Postal Service this same day in the ordinary course of business.

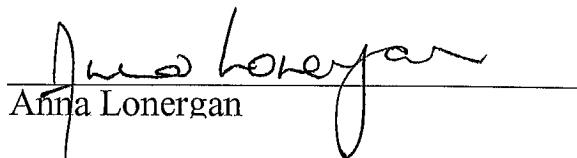
19 I served the following document(s): **EX PARTE MOTION TO EXCUSE
DEFENDANTS MARK RINGGENBERG FROM ATTENDING
MANDATORY SETTLEMENT CONFERENCE**, on the following:

20 Fred Clark, Jr.
21 10 River Edge Road
Bergenfield, NJ 07621
Tel: (914) 714-6147
22 Attorney representing Fred Clark, Jr.

23 by placing a copy thereof in a separate envelope for each addressee named
24 hereafter, addressed to each such addressee respectively as follows:

25 [] **(BY MAIL)** I served the individual named by placing the documents in a
26 sealed envelope. I then placed it for collection and mailing with the United States
27 Postal Service this same day, at my address shown above, following ordinary
business practices.

1 I declare under penalty of perjury under the laws of the State of California
2 that the foregoing is true and correct. Executed on March 18, 2013, at San Diego,
3 California.

4 
5 Anna Lonergan

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